

**REMARKS**

The Office Action of August 16, 2005 has been received and its contents carefully considered.

Claims 1 to 10 and 12 to 20 are all the claims pending in the application, prior to the present amendment.

The Examiner has withdrawn a number of the objections and rejections that were previously in the case. In the present Office Action, the Examiner sets forth four rejections of the claims. Applicants discuss these rejections below.

Claims 14 and 15 have been rejected under the second paragraph of 35 U.S.C. § 112 as indefinite.

With respect to claim 14, the Examiner points out that it recites “alkylene”, “arylene” and “divalent-heterocyclic group” as possibilities for  $L_1$ . In addition, the Examiner points out that claim 15 recites “arylene” as a possibility for  $L_1$ . The Examiner further points out that claim 10, from which claims 14 and 15 directly or ultimately depend, defines  $L_1$  as representing a “single bond, alkenylene, alkynylene or divalent aromatic heterocyclic group”.

The Examiner asserts that the alkylene and arylene groups recited in claim 14 are not within the scope of  $L_1$  as defined in claim 10, and not all divalent-heterocyclic groups are divalent-aromatic heterocyclic groups.

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In response, applicants have amended claim 10 to recite an arylene group, have amended claim 15 to depend from claim 10, and have canceled claim 14.

In view of the above, applicants submit that the claims comply with the requirements of the second paragraph of 35 U.S.C. § 112 and, accordingly, request withdrawal of this rejection.

Claims 1, 2 and 5-9 have been rejected under 35 U.S.C. § 102(e) as anticipated by US Patent 6,379,823 to Nii et al.

The Examiner asserts that formula 2-20 in Nii et al is a compound of present formula (IA) where  $L_1$  represents a divalent-heterocyclic group.

In response, applicants have amended claim 1 as set forth above. Applicants submit that Nii et al do not disclose the subject matter of the amended claim 1, which is the only independent claim that is subject to this rejection, and, accordingly, request withdrawal of this rejection.

Claims 1-9 have been rejected under 35 U.S.C. § 102(e) as anticipated by US Patent 6,440,586 to Yanagi et al.

The Examiner states that the compounds of Yanagi et al represented by formula A-3 and A-23 to A-27 are examples of compounds of formula (IA) of the present claim 1, where  $L_1$  represents a divalent-heterocyclic group.

In response, applicants have amended claim 1 as set forth above. Applicants submit that Yanagi et al do not disclose the subject matter of the amended claim 1, and, accordingly, request withdrawal of this rejection.

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Claims 10 and 12-20 have been rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent 6,440,586 to Yanagi et al with respect to the reasons of record that were set forth with respect to claims 16 and 17 in the previous Office Action of March 17, 2005, and for the additional reasons set forth in the present Office Action.

The Yanagi et al patent is based on an application owned by Fuji Photo Film Co., Ltd., which application was co-pending with the present application which is also owned by Fuji Photo Film Co., Ltd.

Applicants submit herewith the following statement to establish common ownership of the present invention and the subject matter disclosed in the Yanagi et al patent, at the time the present invention was made, in order to disqualify the Yanagi et al patent as prior art under U.S.C. § 103(a).

The above-identified Application No. 10/10/625,539 and the Yanagi et al patent were, at the time the invention of Application No. 10/625,539 was made, owned by Fuji Photo Film Co., Ltd.

In view of the above, applicants submit that the Yanagi et al patent cannot be used as a reference under 35 U.S.C. § 103(a) against the present claims.

The Examiner states that claim 5 is a substantial duplicate of claim 1.

The Examiner suggests that claim 5 should be canceled and that claim 6 should be amended to depend from an appropriate claim other than claim 5.

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In response, applicants have canceled claim 5 and amended claim 6 to depend from claim

1. Accordingly, applicants submit that this rejection is moot.

The Examiner points out a typographical error in line 1 of claim 3. Applicants have amended claim 3 to correct this error.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

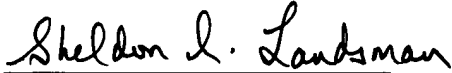
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WASHINGTON OFFICE

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